REMARKS

Claims 1, 2 and 4-26 are the pending claims, of which Claims 1, 8, 9, 12 and 16 are independent. Claims 12 and 16 have been amended. No new matter is presented. Reconsideration and further examination are respectfully requested in light of the foregoing amendments and following remarks. Applicant respectfully requests a Notice of Allowance or an Advisory Action.

Claims 1, 2 and 4-26 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,760,916 (Holtz), U.S. Patent No. 7,111,009 (Gupta) and U.S Provisional Appl. No. 60/263,058 (Kazmi). Reconsideration and withdrawal of the rejection are respectfully requested.

Applicant's representative would like to thank Examiner Carlson for the courtesies extended during the telephonic interview conducted on February 1, 2010. During the telephonic interview, the above claim amendments to independent claims 12 and 16 were discussed. Additionally, the statement made below with respect to the Kazmi reference was discussed.

With respect to Kazmi, the Applicant respectfully points out that the Kazmi provisional patent application was filed on January 18, 2001 and the present application was filed on January 31, 2001, and that the Kazmi provisional and the present application are commonly assigned. The Assignment in the present application was recorded on January 31, 2001 and the Assignment in Kazmi was recorded on February 21, 2002. Further, at the time the claimed invention was made, the inventors of the claimed invention and the Kazmi reference were both under an obligation of assignment to Yahoo! Inc. Yahoo!'s "Proprietary Information and Assignment of Inventions Agreement" for Ronald Jacoby, Derek Dukes, and Anthony Rodiger, the listed inventors in the current disclosure and the Kazmi provisional application, are attached to this Response, as evidence of the obligation to assign.

The Applicant respectfully refers the Examiner to 35 U.S.C. § 103(c)(1), which states:

> (c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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It is respectfully submitted that since the claimed invention and the subject matter of the Kazmi provisional are both owned by Yahoo! Inc. and there was an obligation of assignment to Yahoo! Inc. at the time of the claimed invention, the Kazmi provisional cannot preclude the patentability of the claims of the present application, if the Kazmi provisional is being applied as prior art under 35 U.S.C. §102(e).

In view of the reasons set forth above and in the Response filed on November 5, 2009, independent claims 1, 8, 9, 12 and 16 and the claims that depend from these independent claims are believed to be patentably distinct from Snyder, Gupta and Kazmi. The arguments set forth in the Response filed on November 5, 2009 are repeated below for completeness.

In the method of Claim 1, a link in a browser at a user computer comprises streaming media content identification information and a streaming advertisement parameter, the streaming advertisement parameter specifying a position of a streaming advertisement in a content stream comprising the streaming media content. In response to selection of the link, a frame set is built in a window of the browser, the frame set comprises a media player frame to experience streaming content from a media player executing at the user computer and a data frame. In further response to selection of the link, a request for a playlist is made at the user computer to a source on a network. The request includes the link's streaming media content identification information and the link's streaming advertisement parameter. A playlist is received in response to the request. The playlist's contents comprise a reference identifying the streaming media content in accordance with the link's streaming media content identification information. The playlist or the content stream includes an indicator that indicates when the streaming advertisement should be played in relation to the streaming media content in the content stream in accordance with the link's streaming advertisement parameter. The user computer receives the streaming advertisement and the streaming media content in accordance with the playlist's contents. HTML content related to the content stream is received, and the content stream is simultaneously played in the media player frame as the HTML content is displayed in the data frame.

Claim 1 recites a link in a browser at a user computer, the link comprising streaming media content identification information and a streaming advertisement parameter, the streaming advertisement parameter specifying a position of a streaming advertisement in a content stream

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comprising the streaming media content, and in response to selection of the link a frame set is built in a window of the browser and a request for a playlist is made at the user computer to a source on a network, the request includes the link's streaming media content identification information and the link's streaming advertisement parameter; and the playlist is received, in response to the request, which playlist includes a reference identifying the streaming media content in accordance with the link's streaming media content identification information, the playlist or the content stream includes an indicator that indicates when the streaming advertisement should be played in relation to the streaming media content in the content stream in accordance with the link's streaming advertisement parameter.

Snyder describes a video production system that controls video production devices using show script files, which store the video production commands for each segment of a show that is to be produced. Snyder describes an on-demand system by which a user can browse a web page and select a show or a segment of a show for on-demand viewing by selecting an icon, and the system responds to a user's selection of the icon by executing a prerecorded stored script file to feed the video to the user. See Snyder p. 70, lns. 8 to 22. Snyder is silent with respect to the claimed link, which comprises streaming media content identification information and a streaming advertisement parameter, the streaming advertisement parameter specifying a position of a streaming advertisement in a content stream comprising the streaming media content. Furthermore, Snyder does not disclose or suggest making a request for a playlist, which request includes the claimed link's streaming media content identification information and the claimed link's stream advertisement parameter, and/or does not disclose or suggest a playlist being received, in response to the request, which playlist includes an indicator that indicates when a streaming advertisement should be played in relation to the streaming media content in accordance with the claimed link's streaming advertisement parameter. As is conceded in the Office Action, Snyder does not disclose that a playlist is even received. Snyder transmits the content itself, and cannot teach, suggest or disclose receiving, at a user computer, a playlist that contains a reference that identifies media content, let alone either a playlist or a content stream that includes an indicator that indicates when a streaming advertisement should be played in relation to streaming media content in a content stream accordance with the claimed link's streaming advertisement parameter. Snyder does not disclose or suggest the claimed link, which

includes the claimed streaming advertisement parameter as part of the link in a browser, selection of which results in a request that includes the link's streaming advertisement parameter being made for a playlist, the playlist or the streaming media content referenced by the playlist including an indicator that indicates when the streaming advertisement should be played in relation to the streaming media content in accordance with the link's streaming advertisement parameter.

Gupta has been reviewed and is not believed to remedy the deficiencies of Snyder. Gupta provides a user interface that displays annotations, i.e., titles or summaries of video segments, and allows the user to select a segment by the segment's title or summary. According to Gupta, the user can identify the set of annotations to be displayed using a query, and the user interface displays the queried annotations. Gupta fails to even mention making a playlist request at a user computer, and further fails to disclose or suggest a playlist request that includes a streaming advertisement parameter that specifies a position of the streaming advertisement in streaming content, and/or receiving a playlist received in response, which contains a reference identifying media content. either the received playlist or the media content referenced in the received playlist including an indicator that indicates when the streaming advertisement should be played in relation to the media content. Furthermore, nothing in Gupta discloses or suggests the claimed link, which comprises streaming media content identification information and a streaming advertisement parameter, the streaming advertisement parameter specifying a position of a streaming advertisement in a content stream comprising the streaming media content, and/or responding to a selection of such a link by making a request for a playlist to a source on a network, the request including the link's streaming media content identification information and streaming advertisement parameter; and in response to making such a request the playlist is received, which playlist includes a reference identifying the streaming media content in accordance with the link's streaming media content identification information, the playlist or the content stream including an indicator that indicates when the streaming advertisement should be played in relation to the streaming media content in the content stream in accordance with the link's streaming advertisement parameter.

The Office Action concedes that both Snyder (Holtz) and Gupta fail to disclose the claimed link. The Office Action states that:

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[n]either Holtz et al nor Gupta et al ('009) teach the use of a link that includes playlist content identification as well as a parameter that specifies the position of advertising within the identified content.

It is further conceded in the Office Action that the Kazmi does not disclose an ad tag in a link. Rather, as is conceded in the Office Action, Kazmi stores its ad tag in a database table. It is asserted in the Office Action that it is known to pass variables to a server script using URL parameters. Notably, it is conceded in the Office Action that each of the references relied upon fails to disclose the claimed link comprising streaming media content identification information and a streaming advertisement parameter, the streaming advertisement parameter specifying a position of a streaming advertisement in a content stream comprising said streaming media was known in the prior art. It is asserted in the Office Action that the Kazmi provisional, at page 18, uses the technique of passing a variable to a server script using a URL parameters technique. In contrast to the claimed link that comprises the claimed streaming advertisement parameter specifying a position of a streaming advertisement in a content stream, Kazmi specifies a bitrate and filename to a server script (ingest.asp), as is conceded in the Office Action. In stark contrast to the claimed link comprising streaming media content identification information and a streaming advertisement parameter, the streaming advertisement parameter specifying a position of a streaming advertisement in a content stream comprising said streaming media, Kazmi uses database tables to store ad tags.

Furthermore, at page 18, the Kazmi provisional (which, as set forth above, is not proper prior art) describes a command line in uploading content to a content management system, e.g., an ingest server of the content management server. This is different from the subject matter of Claim 1, where a link is selected at a user computer, in response to which a request is made for a playlist, said request including the link's streaming media content identification information and the link's streaming advertisement parameter, and in response to the request for the playlist, the playlist is received at the user computer, the contents of the playlist received comprising a reference identifying said streaming media content in accordance with the link's streaming media content identification information, and said playlist or said content stream including an indicator that indicates when said streaming advertisement should be played in relation to said streaming media content in said content stream accordance with the link's streaming advertisement

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parameter, and the streaming advertisement and streaming media content is received at the user computer in accordance with the playlist's contents.

In view of the concessions made in the Office Action and the above discussion, each of Snyder, Gupta and Kazmi fail to disclose the claimed link comprising streaming media content identification information and a streaming advertisement parameter, the streaming advertisement parameter specifying a position of a streaming advertisement in a content stream comprising said streaming media.

Since Snyder, Gupta and Kazmi each fail to teach, suggest or disclose multiples ones of the same elements of Claim 1, as discussed above, Snyder, Gupta and Kazmi each alone cannot form the basis of a proper § 102 rejection, and no combination of Snyder, Gupta and Kazmi can form the basis of a proper § 103(a) rejection.

Claim 1 is therefore believed to be patentably distinct from Snyder, from Gupta and from Kazmi. Claims 2 and 4 to 7 depend from Claim 1 and are believed to be patentably distinct from Snyder, from Gupta, and from Holtz for at least the same reasons discussed above with respect to Claim 1. In addition, Claims 2 and 4 to 7 recite additional elements that are not taught, suggested or disclosed by Snyder, Gupta and/or Kazmi. Notably, the Office Action does not make reference to either Gupta or Kazmi in the specific reasons for rejecting these claims.

Claim 2 further recites that the receiving of HTML content includes providing the HTML content related to the content stream being experienced in a media player frame in a data frame in response to execution of an embedded command in the content stream. Claim 5 recites that an embedded script command is received in the content stream requested using the references in the playlist. The embedded script command references the remotely-stored HTML content that is related to the content stream requested using the playlist's references and that is being experienced in the browser window. The Office Action cites Holtz, but appears to reference a portion of Snyder. The cited portion of Snyder mentions "datacasting", but does not provide any description of how the datacasting is performed, and certainly does not mention, let alone disclose or even suggest embedding a command into a content stream, and nothing in Snyder teaches, suggests or describes a command embedded in a content stream such that related HTML content is provided in a data frame. Furthermore, Snyder fails to teach, suggest or describe a

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script command embedded in a content stream that references HTML content related to the content stream.

Claim 6 further recites that the indicator included in a playlist or the media content referenced by the playlist indicates whether the streaming advertisement is to be played before, during or after the streaming media content is played. As discussed above, Snyder's show and script files consist of video production commands, and do not correspond in any way to the claimed playlist. The Office Action fails to provide any reference to any portion of Snyder, and none can be found, that teaches, suggests or describes an indicator included in a playlist that references streaming media content or included in the streaming media content referenced by the playlist indicating whether a streaming advertisement is to be played before, during or after streaming media content.

Independent Claims 8 and 9, and Claims 10 and 11 which depend from Claim 9, are believed to be patentably distinct over the applied art for at least the foregoing reasons.

Independent Claim 12 recites a method comprising providing a link, the link comprising streaming content identification information and an advertisement placement parameter, the advertisement placement parameter specifying a timing for playing a streaming advertisement in a content stream and specifying which of a playlist and the content stream is to include an indicator of the timing, receiving a request for a playlist from the user computer, the request including the link's streaming content identification information and the link's advertisement placement parameter, building a playlist, the contents of which comprise a reference identifying the streaming content in accordance with the link's streaming content identifier, the link's advertisement placement parameter included in the received request being used to determine which of the playlist and the content stream includes the timing indicator, and transmitting the playlist to the user computer.

Independent Claim 16 recites a method that provides a link, the link comprising a streaming content identification information and advertisement placement information, the advertisement placement information identifying a timing for output of an advertisement relative to the streaming content, receives a request for a playlist from a user computer, the request including the link's streaming content identification information and the link's advertisement placement information, builds a playlist using the link's streaming content identification

information and the link's advertisement placement information such that the playlist includes a reference to streaming content, which streaming content has at least one embedded command in accordance with the link's advertisement placement information, the at least one embedded command including advertisement identification information to be processed as the streaming media content is being experienced at said user computer, and transmits the playlist to the user computer, the at least one embedded command identifying the timing for output of the advertisement relative to the streaming content in accordance with the link's advertisement placement information.

  As discussed above, Snyder is limited to collecting content in a bin at the server. Snyder does not build a playlist containing a reference to streaming content that is transmitted to a user computer, and further fails to teach, suggest or disclose such a playlist that has at least one embedded command that includes advertisement identification information to be processed as the streaming content is being experienced at the user computer. Gupta focuses on providing a user interface to display segment annotations so that the user can select a segment by selecting the segment's annotation. Nothing in Snyder, Gupta or Kazmi discloses or suggests the claimed link, which comprises streaming content identification information and an advertisement placement parameter (or advertisement placement information, as recited in Claim 16, receiving a request for a playlist that includes the link's streaming content identification information and advertisement placement parameter, or advertisement placement information, and building a playlist using the link's streaming content identification information and advertisement placement parameter, or advertisement placement information. Furthermore, nothing in Snyder, Gupta or Kazmi discloses or suggests the playlist recited in Claim 12 or in Claim 16, i.e., as recited in Claim 12, the playlist comprises a reference identifying streaming content in accordance with the link's streaming content identifier, the link's advertisement placement parameter included in the request being used to determine which of said playlist and said content stream includes said timing indicator, or the playlist, as recited in Claim 16, which includes a reference to streaming content, the streaming content referenced by the playlist having at least one embedded command including advertisement identification information to be processed as the streaming content is being experienced at the user computer, the at least one embedded

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command identifying the timing for output of the advertisement relative to the streaming content in accordance with the link's advertisement placement information.

Claim 13, which depends from Claim 12, further recites that information contained in a request for a playlist includes information that identifies a location of information to configure a frame set on a user computer to which the playlist is sent. Snyder's on-demand system focuses on responding to a demand for content by streaming content, and nothing in Snyder teaches, suggests or describes a request for a playlist, the request including information that identifies a location of information to configure a frame set on a user computer.

In view of the above reasons provided in connection with the claims, both independent and dependent, discussed above, independent Claims 12 and 16, and Claims 13 to 15 (which depend from Claim 12) and Claims 17 to 26 (which depend from Claim 16), are believed to be patentably distinct from Snyder, Gupta and Kazmi.

Since Snyder, Gupta and Kazmi are missing multiple elements of the claims, as discussed above, neither can form the basis of a proper § 102 rejection, and further since they are missing multiple claim elements, they cannot form the basis of a proper § 103(a) rejection. The claims should therefore be patentable over the references.

Furthermore and since Snyder is missing multiple elements of the claims, Holtz, which must necessarily rely on the disclosure of Snyder in order to even be considered to be prior art, cannot form the basis of a proper § 102 rejection, and further cannot form the basis of a proper § 103(a) rejection. Withdrawal of the § 103(a) rejection of the claims is proper, and is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney. Alternatively, since it is believed that the claims of the present application are in condition for allowance, the Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

Date: April 30, 2010   /james j decarlo/
                                        James J. DeCarlo
                                        Reg. No. 36,120

Customer Number 76058
GREENBERG TRAURIG, LLP
Met Life Building
200 Park Avenue, 34th Floor
New York, New York 10166
Phone: (212) 801-9200
Fax: (212) 801-6400